

Entered - 7-17-01- sb  
CL - 01L0454 ALEXIS HOLMES

01-*R*-1612

CLAIM OF: **MR. AND MRS. JOHNSON PARENTS AND  
GUARDIANS OF TRELANIE JOHNSON**  
**Through her attorney**  
Ralph E. Hughes  
Suite 720 Commerce Plaza  
755 Commerce Drive  
Decatur, Georgia 30030

For bodily injuries alleged to have been sustained as a result of a  
vehicular accident on April 28, 2001 at Martin Luther King, Jr. Drive  
and Harlan Road SW.

THIS ADVERSE REPORT IS APPROVED

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY *Robert M. G. [unclear]*

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0455

Date: 9/24/01

Claimant /Victim MR. AND MRS. JOHNSON PARENTS AND GUARDIANS OF TRELANIE JOHNSON  
BY: (Atty)(Ins.) Ralph E. Hughes  
Address: Suite 720 Commerce Plaza 755 Commerce Drive, Decatur, Georgia 30030  
Subrogation: Claim for Property damage \$ Bodily Injury \$ Undetermined  
Date of Notice: 7/18/01 Method: Written, proper X Improper         
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)         
Date of Occurrence 4/28/01 Place: Martin Luther King, Jr. Drive at Harland Road SW  
Department Police Division: FOD  
Employee involved Officer Fred Wesley Scott Disciplinary Action: Cleared by arrest

**NATURE OF CLAIM:** The claimant's guardians allege that the claimant sustained extensive injuries when the vehicle in which she was riding was struck by a City vehicle driven by a police officer responding to an emergency call, and operating blue lights and siren. In an investigation by the City's Hit and Run Unit, it was determined that the City driver was not in violation of any traffic offenses or City policies and/or procedures. Also, the driver of the vehicle in which the claimant was riding was found in violation of a traffic offense when she failed to yield to an emergency vehicle. Furthermore, the City is immune from liability as set forth under O.C.G.A. § 36-33-1 and § 36-33-3.

### INVESTIGATION:

Statements: City employee        Claimant        Other X Written X Oral         
Pictures X Diagrams X Reports: Police X Dept Report X Other X  
Traffic citations issued: City Driver        Claimant Driver X  
Citation disposition: City Driver        Claimant Driver Pending

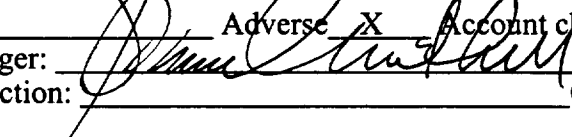
### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial         
Improper Notice        More than Six Months        Other X Damages reasonable         
City not involved        Offer rejected        Compromise settlement         
Repair/replacement by Ins. Co.        Repair/replacement by City Forces         
Claimant Negligent        City Negligent        Joint        Claim Abandoned       

Respectfully submitted,

  
INVESTIGATOR - ALEXIS HOLMES

### RECOMMENDATION:

Pay \$        Adverse X Account charged: 1A01        2J01        2H01         
Claims Manager:  Concur/date 09-25-01  
Committee Action:        Council Action         
FORM 23-61

*Diane*

**RALPH E. HUGHES**  
ATTORNEY AT LAW

*Holmes*  
*07/16/01*  
*Du*  
SUITE 720 COMMERCE PLAZA  
755 COMMERCE DRIVE  
DECATUR, GEORGIA 30030  
TEL. (404) 373-3458  
FAX. (404) 373-4485  
E-MAIL: REHUGHESLAW@AOL.COM

July 13, 2001

ENTERED - 7-17-01 - SB  
01L0455 - ALEXIS HOLMES

The Atlanta City Council  
300 City Hall  
55 Trinity Avenue, S.W.  
Atlanta, GA 30335

Bill Campbell, Mayor  
City of Atlanta  
55 Trinity Avenue, S.W.  
Suite 2400  
Atlanta, GA 30335

City of Atlanta  
Department of Law  
Att'n: Susan Pease Langford, City Attorney  
68 Mitchell Street  
Suite 4100  
Atlanta, GA 30303

Re: Ante Litem Notice  
Gloria Terrell, as Mother and Guardian of Carmen Terrell,  
An Incapacitated Adult, Carmen Terrell, Mr. & Mrs. Johnson,  
Parents and Guardians of Trelanie Johnson, and Trelanie Johnson  
v. The City of Atlanta and Fred Wesley Scott

**TO WHOM IT MAY CONCERN:**

Pursuant to O.C.G.A. §36-33-5, the above individuals hereby serve their Ante Litem Notice to the City of Atlanta.

On the 28<sup>th</sup> day of April, 2001, at approximately 11:40 p.m., Carmen Terrell and Trelanie Johnson were riding down Martin Luther King, Jr. Drive near its intersection with Harlan Road, when a City of Atlanta Police Department vehicle driven by Police Officer Fred Wesley Scott crossed the center line and crashed head-on into the Terrell vehicle.

Ante Litem Notice

July 13, 2001

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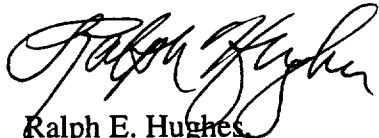
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As a result thereof, Carmen Terrell suffered serious, life threatening and permanent injuries which caused her to be hospitalized at Grady Memorial Hospital and where she remains to this day in critical condition. It is believed her medical expenses presently exceed \$250,000.00. Trelanie Johnson was also badly injured and has incurred medical expenses to date which are believed to exceed \$10,000.00.

The City of Atlanta and its employee, Fred Wesley Scott, were negligent in failing to exercise ordinary care and diligence in the use of its automobile while operating the same on the public roads of Fulton County inside the City of Atlanta, Georgia.

You are hereby notified of the parties' intention to file a claim and lawsuit against the City of Atlanta alleging the aforementioned theory of liability and seeking recovery for the aforementioned damages. Should you have any questions regarding this claim, please feel free to contact me at your convenience.

Respectfully yours,



Ralph E. Hughes  
Attorney at Law

Certified Mail  
Return Receipt Requested

01- R -1612